

Keith Brunner
628 Acker Pkwy
Deforest WI 53532

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To the good people at the FCC,

List me in OPPOSITION of the Consumer Bankers Association proposal to block Wisconsin's law and require telemarketers to abide only by the federal government's version of the do-not-call law.

It is my understanding that the Consumer Bankers Association wants the Federal Communications Commission to block Wisconsin's "NO CALL LIST" law and require telemarketer's to abide only by the federal government's version of the do-not-call law.

This is not right and I think all sides know it. But, I realize that what is perceived as "right", and what actually gets passed into laws or rules can sometimes differ. So, this is why you are hearing from me. I do not want you to override a LAW that was implement at the will of the public.

Whatever happened to States rights?

The individual States have long been granted the right to enact their own laws, governing their own issues for their residents, even if they should sometimes pass tougher laws than what the Federal government has passed. This is nothing new.

It is a State's right to pass a tougher law, which protects it's residents, that the State of Wisconsin has exercised. I believe Wisconsin's law ensures better protection from harassment and invasion of privacy via these calls. Our lawmakers, acknowledging a widespread desire by the residents of this state, passed this no-call standard. The lawmakers are elected by the public, and they followed the will of their constituents. Is this not how representation is supposed to work?

.....Versus, um, OK, lobbyists who are paid to represent the will of business owners to make a living. They have a right to make a living too. It's business that mostly pays peoples wages and drives our tax base.

However, please stretch this all out to the bottom line principle of what democracy is all about, one man - one vote, I believe you would find the men and women out there would never support a weakening of the Wisconsin no call law. To allow a few business owners to subvert the desired will of the majority of the residents of our state, it would be a travesty of justice. You would be allowing a minority, to forcibly dictate to the actual majority, in how they must live their personal lives in the privacy of their own homes.

Remember now, a basic principle of the US Constitution is that all persons are equal before the law. If you grant this issue to the banks (or business in general) you are depriving of this basic principle, so please remember who the majority is (hint: it's not business).

I am sure you realize the implications such an override could cause nationwide, were it to happen. The telemarketers would now gleefully have a precedent to point to. The laws and the courts follow precedent to the point of being anal retentive. If you allow an issue of States rights like this to be over-ridden, you would open the door. Please do not let this happen. I'm looking also at the big picture. If you override one issue of state rights, you open the door to other possibilities that can now occur. Refresh yourself about the constitution.

Amendment IX to the Constitution says:
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X to the constitution says:
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

I must point out that the Wisconsin no-call standards do NOT prevent businesses from generating business activity in our state. Businesses have multiple options of marketing and promoting their products and services. Rather, I believe the Wisconsin no-call standards exist for those who simply do not wish to receive a solicitation via telephone. A business is NOT prevented from advertising in the paper, in magazines, over the radio, over television, via billboards or fliers, or via direct mail solicitations. And, an individual still can exercise a choice in how to respond to all those types of media. Point here is, the marketers have many NON-INVASIVE ways to reach their intended markets.

The telephone, however, is different. When it rings, a person is COMPELLED to answer whether they want to or not. (It could be a sick relative, it could be my child who has not come home yet.....I think you get the point) And, if a person does not answer, it CONTINUES to ring which is an annoyance, or if not answered at that time, automatic dialer machines will again call the individual back at repeated later times (as much as they program their machine for) until there is an "answer" of some sort. In short, the difference here is, the public is being FORCED in to having to deal with a telephone call whether they want to or not. In being FORCED to answer a call eventually, this begins to border on harrasment. This is an INVASIVE method of contact that should not be allowed.

Correct me if I am wrong, but I do NOT believe the United States of America is a government about business, to serve as a beneficiary to business. We are still supposed to have a government of the people, by the people, and for the people. The Declaration of Independence, though it by itself is not "law", describes exactly why a disillusionment with English government occurred:

I will quote just a small section:
...all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights,

Governments are instituted among Men, deriving their just Powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.....

The point I am making here, the power of the government is derived from the governed (the people, NOT businesses). The governed people of the state of Wisconsin (and I daresay the rest of this country) do not look with favor on the weakening of these protections.

From the US Constitution itself,

Article. I.

Section. 8. The Congress shall have Power To.....

...To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[The FCC gets their authority from congress, so they have authority to regulate (police) commerce (business) within the states (within the country)]

Article. IV.

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

(the states also get to pass their own laws)

In other words, businesses must abide by both federal laws AND the individual laws of the states they operate in. Nothing prevents a state from passing a law with a tougher standard. Please recognize the basics here, FCC members, what is really happening, business is attempting to override a specific right granted to the states in the Constitution. (Article IV, Section 1)

The Federal law should be tougher in my opinion. But that is another issue.

I believe, when a person CHOOSES to have their name be put on a no-call list, it is not a decision made lightly. It is, however, a conscious message to marketers that contact is NOT desired in this manner.

In this action alone, a person is NOT preventing business from reaching them through. Commercial concerns yet have multiple modes of communication to reach their markets and targeted demographics. Rather, the individual is exercising a right, to NOT be compelled into forcible response, in having to accept an unwanted telephone call.

Again, please do not let business override what the public desires.

And, please do not open the door to further inroads on the rights
we were given many years ago.

Sincerely,

Keith Brunner